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District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 06 2001

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 00-00183 DAE	BMK
)		
Plaintiff,)	SECOND SUPERSEDING	
)	INDICTMENT	
v.)		
JOAQUIN AGUILAR,	(01),)	[21 U.S.C. §§ 841(a)(1),	
aka "Negro,")	843(b), 846; 18 U.S.C.	
aka "Cacharpas,")	§ 2]	
PEDRO JIMINEZ,	(03),)		
FERNANDO RIOS,	(04),)		
LAURIE HORSWILL-SMITH,	(05),)		
aka "Mola,")		
ROMEO ANTONIO CASTRO-AVALOS,	(08),)		
aka "Antonio Perez,")		
aka "Tony,")		
aka "Salvadoran,")		
RAUL LNU,	(12),)		
HIPOLITO LNU,	(13),)		
aka "Poli,")		
JOSE A. BACA-NORIEGA,	(14),)		
aka "Alvaro,")		
aka "Guero,")		
CARLOS GUERRERO,	(15),)		
aka "Pepechin,")		
CASEY SMYTHE,	(16),)		
aka "K.C.,")		
JOSE ACEVEDO-GASCA,	(17),)		
)		
Defendants.)		
)		

SECOND SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown, but from at least on or about May 1, 1999 to on or about May 4, 2000, in the District of Hawaii and elsewhere, the defendants JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," PEDRO JIMINEZ, LAURIE HORSWILL-SMITH, aka "Mola," ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," RAUL LNU, HIPOLITO LNU, aka "Poli," JOSE A. BACANORIEGA, aka "Alvaro," aka "Guero," CARLOS GUERRERO, aka "Pepechin," CASEY SMYTHE, aka "K.C.," and JOSE ACEVEDO-GASCA did conspire together with each other and with Felipe Ruiz-Castro, Francisco Mora-Garcia, Manuel Javier Rodrigues-Martinez, aka "Javier," Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Bria Paschoal, Fernando Rios, Wendy Bettis, Ismael Rocha Manzanarez, aka "Ivan Leyva Mansares," aka "Mayelo," Fermin Rivera, Ala Rose Rodriguez, aka "Rosie," Pualani Horswill, aka "Pua," Jose Luis Vasquez, Randall Ramelb, aka "Randy," Cheryl Yates, Martin Arreaga, aka "El Burro," aka "Manny," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Basilia Salamanca, Jesus Martin Reyes Mojardin, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, Sabino Albarran, aka "Pelon," Antonio Mora-Garcia, aka "Tono," Pablo Romero, aka "Pablo Gilberto Romero-Flores," aka "Sonny," Adrian Barahona, aka "Cuevas," aka "Covachas," Thomas Marino, Sr., Ana Marino, Tomas Marino, Jr., Mona Hiiaca Huihui, Karla Kahau, Miguel Gaytan

Perez, aka "Pato," Juan Hernandez, aka "Juan Luis," aka "Piolas," Isidro Lnu, aka "Michael Reyes," Victor Navarez, Gustavo Sanchez, Tracy Garcia Sanchez, Brian Joshua Jones, aka "El Tigre," Leroy Mollena, Arturo Flores, aka "El Bomba," Enrique Reyes, aka "Toribio," Guillermo Alvarez, aka "Willie," Leopoldo Castro-Lopez, aka "Polo," Salvador Castillo, aka "Chava," Holmar Hernandez, aka "Omar," Armando Montano Rodriguez, aka "Camote," aka "Teco," Robert Mahoney, Carlos Reyes-Castro, aka "Sergio," aka "Carlos," Eduardo Velasco, aka "Carlos Perez-Garcia," not defendants herein, and with other persons unknown to the Grand Jury, to commit offenses against the United States, that is, to knowingly and intentionally distribute and possess with intent to distribute cocaine, a Schedule II controlled substance, to distribute and possess with intent to distribute heroin, a Schedule I controlled substance, to distribute and possess with intent to distribute crystal methamphetamine - "ice," a Schedule II controlled substance, and to distribute and possess with intent to distribute marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

Ways and Means of Accomplishing the Conspiracy

- 1) The Ruiz-Mora drug distribution organization consisted of a group of individuals who obtained cocaine, heroin, crystal methamphetamine - "ice," and marijuana from the West Coast of the U.S. mainland, from Mexico and from Hawaii for

distribution in Hawaii, and who distributed cocaine, heroin, crystal methamphetamine - "ice," and marijuana in Hawaii.

2) Jesus Martin Reyes Mojardin, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Fermin Pena and Fermin Rivera supplied cocaine and heroin to the co-conspirators named in this Indictment.

3) Jorge Casas, aka "Jorge Cano," aka "George," Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, and Leopoldo Castro-Lopez, aka "Polo," supplied crystal methamphetamine - "ice" to the co-conspirators named in the indictment.

a) Brian Paschoal supplied marijuana to the co-conspirators named in the indictment.

4) Various co-conspirators, acting as drug couriers, traveled between Hawaii and the West Coast of the United States and Mexico (a) to obtain and deliver cocaine supplied by Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, Fermin Rivera, and others to the Ruiz-Mora drug distribution organization, and (b) to deliver United States currency to Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, Raquel Salazar Salazar, aka

"Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Fermin Pena, Fermin Rivera and others in payment for the cocaine.

5) Mona Hiiaca Huihui, Karla Kahau, and Adrian Barahona, aka "Cuevas," aka "Covachas," traveled from Hawaii to the West Coast of the United States and Mexico for the purpose of obtaining cocaine and crystal methamphetamine - "ice" for distribution in Hawaii.

6) Brian Joshua Jones, aka "El Tigre," and Eduardo Velasco, aka "Carlos Perez-Garcia," traveled from the West Coast of the United States to Hawaii to supply the Ruiz-Mora organization with cocaine and crystal methamphetamine - "ice."

7) Co-conspirators Marcia Solano and Miriam Espinosa traveled from the West Coast of the United States to Hawaii for the purpose of delivering cocaine to Hawaii and carrying U.S. currency back to the West Coast of the United States.

8) In this way, Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jesus Martin Reyes Mojardin, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Fermin Pena, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," and Fermin Rivera during the existence of the conspiracy, supplied and attempted to supply the Ruiz-Mora drug distribution organization with kilogram quantities of cocaine and pound quantities of crystal methamphetamine - "ice," for distribution in Hawaii.

9) Once cocaine and crystal methamphetamine - "ice," supplied by Francisco Servin-Soto, aka "Pancho," Jessica Guzman-Soto, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," Jorge Casas, aka "Jorge Cano," aka "George," Leah Cardenas, Fermin Rivera and Fermin Pena, arrived in Hawaii, various members of the Ruiz-Mora drug distribution organization repackaged the quantities of cocaine and crystal methamphetamine - "ice," into smaller quantities for distribution and distributed quantities of that cocaine and crystal methamphetamine - "ice," in Hawaii to purchasers, usually in ounce and gram quantities.

10) Felipe Ruiz-Castro and Francisco Mora-Garcia used La Fogata Mexican Restaurant in Lahaina to store cocaine, crystal methamphetamine - "ice," and marijuana.

11) The co-conspirators distributed cocaine, heroin, crystal methamphetamine - "ice," and marijuana on Maui, Oahu, Kauai and the Island of Hawaii for cash.

12) The co-conspirators concealed the income and assets derived from the sale of controlled substances through the use of wire transfers of U.S. currency.

13) The co-conspirators used long distance telephone calls, telephone pagers and cellular telephones to arrange for the distribution of cocaine, heroin, crystal methamphetamine - "ice," and marijuana.

Overt Acts

In furtherance of and in order to accomplish the objects of this conspiracy, the defendants and their co-

conspirators performed overt acts in the District of Hawaii and elsewhere, including but not limited to the following:

1. On or about May 19, 1999, Manuel Javier Rodrigues-Martinez, aka "Javier," distributed a quantity of heroin in Lahaina, Maui for \$2,800.
2. On or about August 30, 1999, Felipe Ruiz-Castro distributed a quantity of cocaine in Lahaina, Maui for \$1,000.
3. On or about November 30, 1999, Felipe Ruiz-Castro distributed a quantity of cocaine in Lahaina, Maui for \$3,000.
4. On or about December 10, 1999, Francisco Servin-Soto, aka "Pancho," telephoned Marcia Solano and discussed a trip to Hawaii.
5. On or about December 13, 1999, Francisco Servin-Soto, aka "Pancho," telephoned Basilia Salamanca and discussed the transportation of a quantity of cocaine from California to Hawaii by two women couriers.
6. On or about December 14, 1999, Francisco Servin-Soto, aka "Pancho," made a long distance telephone call from Pomona, California to Felipe Ruiz-Castro in Lahaina, Maui, Hawaii and discussed the purchase of airline tickets.
7. On or about December 14, 1999, Jessica Guzman-Soto called Marcia Solano, not a defendant herein, and discussed carrying a quantity of cocaine from California to Hawaii.

8. On or about December 15, 1999, Francisco Servin-Soto, aka "Pancho," drove Marcia Solano and Miriam Espinosa, not defendants herein, to Los Angeles International Airport.

9. On or about December 15, 1999, Marcia Solano and Miriam Espinosa, not defendants herein, transported approximately two pounds of cocaine on board a United Airlines flight to Kahului, Maui.

10. On or about December 16, 1999, Basilia Salamanca telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano and Miriam Espinosa by the police on Maui, Hawaii.

11. On or about December 22, 1999, Felipe Ruiz-Castro telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano by the police in Maui, Hawaii.

12. On or about December 27, 1999, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the arrest of Marcia Solano and Miriam Espinosa in Hawaii and the payment of monies owed for the cocaine provided to Francisco Servin-Soto and transported to Maui, Hawaii by Marcia Solano and Miriam Espinosa.

13. On or about December 29, 1999, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed taking precautions to avoid apprehension by the police.

14. On or about January 9, 2000, Raquel Salazar Salazar, aka "Don Alberto," aka "Don Roberto," telephoned Francisco Servin-Soto, aka "Pancho," and discussed the payment of monies owed for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

15. On or about January 13, 2000, Jesus Martin Reyes Mojardin telephoned Francisco Servin-Soto, aka "Pancho," and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

16. On or about January 18, 2000, Jesus Martin Reyes Mojardin telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

17. On or about January 19, 2000, Jesus Martin Reyes Mojardin telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

18. On or about January 25, 2000, Jesus Martin Reyes Mojardin telephoned Jessica Guzman-Soto and discussed the payment of monies owed by Francisco Servin-Soto, aka "Pancho," for the cocaine transported to Maui, Hawaii by Solano and Espinosa.

19. On or about January 25, 2000, Francisco Servin-Soto, aka "Pancho," telephoned Jessica Guzman-Soto and discussed the payment of monies to Jesus Martin Reyes Mojardin for the cocaine transported to Maui, Hawaii.

20. On or about February 9, 2000, JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," telephone Felipe Ruiz-Castro.

21. On or about February 10, 2000, Jorge Casas, aka "Jorge Cano," aka "George," telephoned Felipe Ruiz-Castro and discussed the transfer of a sum of money from Hawaii to California.

22. On or about February 10, 2000, Felipe Ruiz-Castro instructed Sabino Albarran, aka "Pelon," to tell Adrian Barahona, aka "Cuevas," aka "Covachas," to prepare to travel to California.

23. On or about February 10, 2000, Adrian Barahona, aka "Cuevas," aka "Covachas," traveled to California carrying a large quantity of cash.

24. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Jorge Casas, aka "Jorge Cano," aka "George," and discussed the transport of a sum of money to California by an associate.

25. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Thomas Marino, Sr. and discussed the sale of a quantity of drugs.

26. On or about February 11, 2000, Felipe Ruiz-Castro telephoned Ana Marino and discussed the sale of a quantity of drugs.

27. On or about February 11, 2000, Francisco Mora-Garcia telephoned Felipe Ruiz-Castro and discussed the transfer of a sum of money to California.

28. On or about February 12, 2000, Felipe Ruiz-Castro met with JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas."

29. On or about February 14, 2000, Brian Joshua Jones, aka "El Tigre," traveled to Maui.

30. On or about February 15, 2000, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," called Felipe Ruiz-Castro on the telephone.

31. On or about February 15, 2000, LAURIE HORSWILL-SMITH telephoned Felipe Ruiz-Castro and discussed a sale of a quantity of drugs.

32. On or about February 15, 2000, Felipe Ruiz-Castro spoke on the telephone with ROMEO ANTONIO CASTRO-AVALOS.

33. On or about February 24, 2000, Armando Montano Rodriguez, aka "Camote," aka "Teco," called Felipe Ruiz-Castro on the telephone.

34. On or about February 24, 2000, Jose Angel Lemon-Pena, aka "Valerio," aka "Koki," called Felipe Ruiz-Castro on the telephone.

35. On or about February 24, 2000, Sabino Albarran, aka "Pelon," distributed approximately eight ounces of cocaine.

36. On or about February 23, 2000, PEDRO JIMINEZ and Fernando Rios possessed approximately one pound of crystal methamphetamine - "ice."

37. On or about February 24, 2000, PEDRO JIMINEZ and Fernando Rios distributed approximately eight (8) ounces of crystal methamphetamine, "ice."

38. On or about February 29, 2000, Adrian Barahona, aka "Cuevas," aka "Covachas," transported approximately 50 grams of crystal methamphetamine - "ice," to Kona, Hawaii from Maui.

39. On or about February 28, 2000, PEDRO JIMINEZ and Fernando Rios transported approximately 12.63 grams of crystal methamphetamine, "ice" and \$25,000 in U.S. currency to Phoenix, Arizona.

40. On or about March 10, 2000, ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran" spoke on the telephone with Felipe Ruiz-Castro.

41. On or about March 24, 2000, CASEY SMYTHE spoke on the telephone with Felipe Ruiz-Castro.

42. On or about March 24, 2000, CARLOS GUERRERO spoke on the telephone with Felipe Ruiz-Castro.

43. On or about March 22, 2000, Mona Hiiaca Huihui and Karla Kahau traveled to Las Vegas, Nevada to obtain a quantity of crystal methamphetamine - "ice."

44. On or about March 25, 2000, JOSE A. BACA-NORIEGA, aka "Alvaro," aka "Guero," spoke on the telephone with Felipe Ruiz-Castro.

45. On or about April 5, 2000, JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," spoke on the telephone with Felipe Ruiz Castro.

46. On or about April 8, 2000, LAURIE HORSWILL-SMITH spoke on the telephone with Felipe Ruiz-Castro.

47. On or about April 12, 2000, CASEY SMYTHER spoke on the telephone with Felipe Ruiz-Castro.

48. On or about April 16, 2000, Brian Joshua Jones, aka "El Tigre," transported approximately six kilograms of cocaine from California to Honolulu, Hawaii.

49. On or about April 27, 2000, Eduardo Velasco, aka "Carlos Perez-Garcia," transported approximately 140 grams of crystal methamphetamine - "ice," from California to Kahului, Maui.

50. On or about May 4, 2000, CARLOS GUERRERO and JOSE ACEVEDO-GASCA stored a quantity of cocaine in their residence.

51. On or about May 4, 2000, JOAQUIN AGUILAR stored a quantity of cocaine in his residence.

All in violation of Title 21, United States Code,
Section 846.

COUNT 2

The Grand Jury further charges that:

On or about February 12, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code,
Section 843(b).

COUNT 3

The Grand Jury further charges that:

On or about February 12, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," knowingly and intentionally possessed with intent to distribute a quantity of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code,
Section 841(a)(1).

COUNT 4

The Grand Jury further charges that:

On or about February 15, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant LAURIE HORSWILL-SMITH,

aka "Mola," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 5

The Grand Jury further charges that:

On or about February 15, 2000, in the District of Hawaii, Felipe Ruiz-Castro and ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 6

The Grand Jury further charges that:

On or about February 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of

cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 7

The Grand Jury further charges that:

On or about February 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," knowingly and intentionally possessed with intent to distribute a quantity of cocaine.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 8

The Grand Jury further charges that:

On or about February 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CASEY SMYTHE, aka "K.C.," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 9

The Grand Jury further charges that:

On or about February 17, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant HIPOLITO LNU, aka "Poli," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 10

The Grand Jury further charges that:

On or about February 20, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a possession with intent to distribute a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a) (1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 11

The Grand Jury further charges that:

On or about February 23, 2000, in the District of Hawaii, defendants PEDRO JIMINEZ and FERNANDO RIOS knowingly and intentionally aided and abetted each other in the knowing and intentional possession, with intent to distribute, of a quantity of crystal methamphetamine, - "ice" in excess of 50 grams, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 12

The Grand Jury further charges that:

On or about February 24, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 13

The Grand Jury further charges that:

On or about February 28, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a distribution of a quantity of cocaine, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 14

The Grand Jury further charges that:

On or about February 28, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CASEY SMYTHER, aka "K.C.," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 15

The Grand Jury further charges that:

On or about March 23, 2000, in the District of Hawaii, defendant CASEY SMYTHER, aka "K.C.," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 16

The Grand Jury further charges that:

On or about April 14, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CARLOS GUERRERO, aka "Pepechin," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and possess with intent to distribute cocaine and crystal methamphetamine - "ice," Schedule II controlled substances, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 17

The Grand Jury further charges that:

On or about April 15, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant JOSE A. BACA-NORIEGA, aka "Alvaro," aka "Guero," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 18

The Grand Jury further charges that:

On or about April 15, 2000, in the District of Hawaii, Francisco Mora-Garcia, aka "Pancho," and defendant ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 19

The Grand Jury further charges that:

On or about April 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant CARLOS GUERRERO, aka "Pepechin," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 20

The Grand Jury further charges that:

On or about April 16, 2000, in the District of Hawaii, Felipe Ruiz-Castro and ROMEO ANTONIO CASTRO-AVALOS, aka "Antonio Perez," aka "Tony," aka "Salvadoran," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 21

The Grand Jury further charges that:

On or about April 18, 2000, in the District of Hawaii, Felipe Ruiz-Castro and defendant RAUL LNU used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 22

The Grand Jury further charges that:

On or about April 20, 2000, in the District of Hawaii, defendant CASEY SMYTHER, aka "K.C.," and Francisco Mora-Garcia, aka "Pancho," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843 (b).

COUNT 23

The Grand Jury further charges that:

On or about April 21, 2000, in the District of Hawaii, defendant CASEY SMYTHE, aka "K.C." and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 24

The Grand Jury further charges that:

On or about April 22, 2000, in the District of Hawaii, defendant JOSE A. BACA-NORIEGA, aka "Alvaro," aka "Guero," and Felipe Ruiz-Castro used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute cocaine, heroin, crystal methamphetamine - "ice," and marijuana, all controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 25

The Grand Jury further charges that:

On or about May 4, 2000, in the District of Hawaii, defendant JOAQUIN AGUILAR, aka "Negro," aka "Cacharpas," did knowingly and intentionally possess with intent to distribute approximately one ounce of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 26

The Grand Jury further charges that:

On or about May 4, 2000, in the District of Hawaii, defendants CARLOS GUERRERO, aka "Pepechin," and JOSE ACEVEDO-GASCA did knowingly and intentionally possess with intent to distribute approximately one ounce of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code,
Section 841(a)(1) and Title 18, United States Code, Section 2.

DATED: 6-6-2001, at Honolulu, Hawaii.

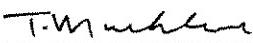
A TRUE BILL

ESL

FOREPERSON GRAND JURY


Elliot Enoki Acting US Attorney
ELLIOOT ENOKI
United States Attorney
District of Hawaii


THOMAS MUEHLECK


Gov LORETTA SHEEHAN

United States v. Joaquin Aguilar, et al.
First Superseding Indictment
Cr. No. 00-00183 DAE